

ASSEMBLY BILL

No. 1978

Introduced by Assembly Member Solorio

February 14, 2008

An act to amend Section 6254.9 of the Government Code, relating to records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1978, as introduced, Solorio. Public records: computer mapping systems.

Existing law, the California Public Records Act, requires state and local agencies to make their records available during regular business hours and, upon request, to provide a copy of a record upon payment of any applicable fee, unless an exemption from disclosure applies. The act provides that computer software developed by a state or local agency is not a public record, with “computer software” defined for this purpose as including computer mapping systems, computer programs, and computer graphics systems.

This bill would further provide that, for this purpose, computer mapping systems include assembled model data, metadata, and listings of metadata, regardless of medium, and tools by which computer mapping system records are created, stored, and retrieved.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6254.9 of the Government Code is
2 amended to read:

1 6254.9. (a) Computer software developed by a state or local
2 agency is not itself a public record under this chapter. The agency
3 may sell, lease, or license the software for commercial or
4 noncommercial use.

5 (b) (1) As used in this section, “computer software” includes
6 computer mapping systems, computer programs, and computer
7 graphics systems.

8 (2) *Computer mapping systems include, assembled model data,*
9 *metadata, and listings of metadata, regardless of medium, and*
10 *tools by which computer mapping system records are created,*
11 *stored, and retrieved.*

12 (c) This section shall not be construed to create an implied
13 warranty on the part of the ~~State of California~~ *state* or any local
14 agency for errors, omissions, or other defects in any computer
15 software as provided pursuant to this section.

16 (d) Nothing in this section is intended to affect the public record
17 status of information merely because it is stored in a computer.
18 Public records stored in a computer shall be disclosed as required
19 by this chapter.

20 (e) Nothing in this section is intended to limit any copyright
21 protections.